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PATENT
Attorney Docket No. 08056.0014-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In Re Application of: |) | |
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| Randell L. MILLS |) | Group Art Unit: 2828 |
| |) | |
| Application No.: 10/575,345 |) | Examiner: Dung T. NGUYEN |
| |) | |
| Filed: March 26, 2007 |) | |
| |) | |
| For: NOVEL MOLECULAR HYDROGEN |) | Confirmation No.: 2195 |
| LASER |) | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO SPECIES ELECTION REQUIREMENT

In a species election requirement mailed on January 27, 2009, the period for response to which extends through February 27, 2009, the Examiner required election under 35 U.S.C. § 121 of one of the following allegedly patentably distinct species:

Species 1: Claims 1-24, 31, 45-49, 51-53, 58, 66, 67, 84, 85, 105-137, 141, 142, and 145-147, characterized by the Examiner as directed to a laser medium comprising H₂(1/p) where p is an integer, a cavity, and a power source to form an inverted population in an energy level of H₂(1/p);

Species 2: Claims 25-30, 32-44, 50, 54-57, 59-65, 68-83, 86-88, 100-104, 139, and 140, characterized by the Examiner as directed to a plasma forming cell or reactor for the catalysis of atomic hydrogen producing power, a continuous stationary inverted H₂(1/p) population where p is an integer, and novel hydrogen species and compositions

of matter comprising new forms of hydrogen, a source of catalyst, a source of atomic hydrogen, and a means to form and output a laser beam;

Species 3: Claims 89-99, characterized by the Examiner as directed to a catalytic disproportionation reaction of atomic hydrogen;

Species 4: Claim 138, characterized by the Examiner as directed to a plasma forming cell or reactor for the catalysis of atomic hydrogen producing power, a continuous stationary inverted population with energy levels given by $p2(0.515 \pm 0.151)\text{eV}$ where p is an integer and novel hydrogen species and compositions of matter comprising hydrogen, a source of catalyst, a source of atomic hydrogen, a controller to cause atomic hydrogen to react with atomic hydrogen to cause EUV emission lines with energies of $q. 13.6 \text{ eV}$ where q is an integer, and a means to form and output a laser beam;

Species 5: Claims 143 and 144, characterized by the Examiner as directed to electricity converted from photons produced by the inverted hydrogen population; and

Species 6: Claim 148, characterized by the Examiner as directed to a light emitting state of any lower-energy hydrogen species; and a power source to form the light emitting state.

Applicant respectfully traverses this species election requirement as set forth in the Office Action. However, to be fully responsive, Applicant elects, with traverse, to prosecute Species 1, claims 1-24, 31, 45-49, 51-53, 58, 66, 67, 84, 85, 105-137, 141, 142, and 145-147.

Applicant respectfully traverses the election of species requirement on the basis that the Examiner has failed to show that a serious burden exists to examine all of the alleged species. Indeed, the Examiner generally concludes that "the species lack the same or corresponding special technical features." Office Action at 4. Applicant respectfully disagrees and submits that the Examiner has failed to show that examining the species together would constitute a serious burden as required by M.P.E.P. § 808.02.

If the Examiner, however, chooses to maintain the species election requirement, Applicant expects the Examiner, if the elected species are found allowable, to continue to examine the full scope of the subject matter to the extent necessary to determine the patentability thereof, as is the duty according to M.P.E.P. § 821.04(a).

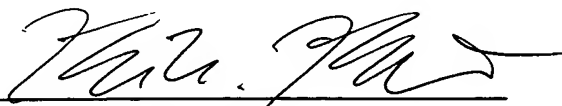
Thus, in view of the foregoing remarks, Applicant respectfully requests reconsideration and withdrawal of the species election requirement.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 27, 2009

By: 
Reece Nienstadt
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